



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,532	12/30/2004	Jean-Philippe Borgoltz	263673US2XPECT	9528
22850	7590	08/05/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
ELVE, MARIA ALEXANDRA				
ART UNIT		PAPER NUMBER		
3742				
NOTIFICATION DATE		DELIVERY MODE		
08/05/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary

Application No.

10/518,532

Applicant(s)

BORGOLTZ ET AL.

Examiner

M. Alexandra Elve

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2009.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 11-21 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 30 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-15 & 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brodsky et al. (USPN 6,489,985) in view of Tomita et al. (USPN 5,369,493).

Brodsky et al. discloses a laser marking system and method. YAG (1064 nm) and CO₂ lasers may be used. A computer(s) controls the X and Y galvanometer mirror devices. These are fast recovery galvanometer mirrors. Mirrors have a wide range of motion and have the ability to be removed (retracted) from the system. The optical output beam from the laser source is collimated and then focused by the respective spherical type of lenses of lens set for directing the beam. The workpiece may be positioned on a conveyor system, which moves a series of workpieces. The working field of the scanner at the image plane may be a square or rectangular that may be varied in size on a side from about 60 nm to about 180 nm depending on the chosen flat field lens. Brodsky et al. discloses a computer which is used in providing and using coordinate information. In addition, software and program are presented with the apparatus.

Brodsky et al. does not teach the use of narrow and wide field cameras.

Tomita et al. discloses an apparatus for transporting electronic components. Imaging and moving the components, requires the use of a wide and narrow field camera. The cameras may be used to check position of components of differing size. The narrow field camera detects small components and the wide field detects large components. Tomita et al. discloses an imaging (camera) apparatus which detects and positions. The path of the beam (4/8) is directed to both 6 and 47.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use both a wide and a narrow field camera, as taught by Tomita et al. in the Brodsky et al. system because it ensures that all workpieces are properly observed and processed.

Claims 16 & 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brodsky et al. and Tomita et al., as stated above and further in view of Chiba et al. (USPAP 2001/0014543A1).

Brodsky et al. and Tomita et al. teach the use of lens but not specifically in front of the workpiece. Brodsky et al. and Tomita et al. do not teach the use of reactive gas.

Chiba et al. discloses a semiconductor wafer laser marking system. One of the processing steps involves the use of a reactive gas mixture to enhance crystalline growth on the wafer. A lens unit (6) in front of the workpiece is taught.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a lens in front of the workpiece as taught by Chiba et al. in the Brodsky et al. and Tomita et al. apparatus because it would ensure focusing onto the workpiece.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use reactive gas, as taught by Chiba et al. in the Brodsky et al. and Tomita et al. system because it is a standard wafer processing step.

Response to Arguments

Applicant's arguments filed 4/28/09 have been fully considered but they are not persuasive.

Applicant argues that the prior art does not teach "the first wide field camera, the second narrow field camera, and the laser source disposed to use partly a same optical path". The examiner respectfully disagrees because Tomita et al. discloses the use of the same path from 4/8 to both 6 & 47; see below:

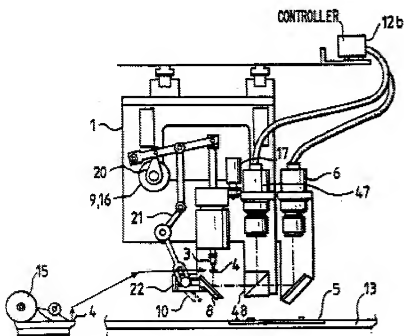


Fig.14.

Applicant argues that Brodsky does not teach a wide field camera and a second narrow field camera. The examiner respectfully notes that the cameras are taught by Tomita et al. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Alexandra Elve whose telephone number is 571-272-1173. The examiner can normally be reached on 7:30-4:00 Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu B. Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 1, 2009.

/M. Alexandra Elve/
Primary Examiner, Art Unit 3742

